THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4408 OF 2006

DATED: 13-02-207

BETWEEN

Deevireddi Nageswara Reddy,
S/o. D. Veera Reddi, R/o. H.No.70-120,
Kalluru V & M, Kurnool District.

...PETITIONER

AND

The Superintendent of Police,
Kurnool, Kurnool District and
others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 to 4 in interfering with his property rights at the instance of the respondents 5 to 8 as illegal and arbitrary.

2. Counter has been filed stating that a complaint has been lodged by one Smt. Syamala before the Sub Inspector of Police, IV Town Police Station, Kurnool Town, on 06.03.2006 alleging that the land in Sy.No.118/B to an extent of Ac.1.25 cents at Kallur Mandal belongs her having purchased the same from one Mr. Indrakant and that the petitioner and others erected fencing around the said land. Based on the said complaint a case in Cr.No.28 of 2006 under Sections 3(1)(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, was registered on 06.03.2006 and investigation was taken up by the Sub-Divisional Police Officer, Kurnool. It is stated that the investigation is pending.

3. In view of the pendency of the crime, I am of the opinion that it cannot be said that the official respondents are illegally interfering with the petitioner's property rights at the instance of the unofficial respondents. However, it is for the petitioner to question the registration of the said crime in appropriate proceedings.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK